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ORDINANCE NUMBER 2719

AN ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, AMENDING THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF FARMERS BRANCH, TEXAS, BY GRANTING A SPECIFIC USE PERMIT TO ALLOW A BALLROOM DANCE FACILITY LOCATED AT 13465 INWOOD ROAD AND WITHIN THE PLANNED DEVELOPMENT NUMBER 39 (PD-39) ZONING DISTRICT; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING A PENALTY OF FINE NOT TO EXCEED THE SUM OF TWO THOUSAND (\$2,000.00) DOLLARS; PROVIDING FOR INJUNCTIVE RELIEF; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Farmers Branch deems it necessary, for the purpose of promoting the health, safety, morals, or general welfare of the City to enact a new zoning ordinance; and

WHEREAS, the City Council has appointed a Planning and Zoning Commission to recommend the boundaries of the various original zoning districts and appropriate regulations be enforced therein and to recommend a new zoning ordinance to amend the Comprehensive Zoning Ordinance; and

WHEREAS, the Planning and Zoning Commission has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health, general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Commission, has given reasonable consideration, among other things, the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Commission of the City of Farmers Branch and the City of Farmers Branch City Council, in compliance with the Charter of the City of Farmers Branch, and state law with reference to the granting of changes to the zoning classifications under the Zoning Ordinance Regulations and Zoning Map, have given the requisite notices by publication and otherwise, and after holding due hearings and affording a full and fair hearing to all property owners generally, and to the

City of Farmers Branch P.O. Box 819010 Farmers Branch, Texas 75381-9010 972/247-3131
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persons interested and situated in the affected area and in the vicinity thereof, the City of Farmers Branch City Council is of the opinion that due to a change in condition and in order to protect the public health, welfare and safety, said change in zoning should be made.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS:

SECTION 1. That all matters stated in the preamble are found to be true and correct and are incorporated herein as if copied in their entirety.

SECTION 2. That the Comprehensive Zoning Ordinance of the City of Farmers Branch, Texas, be, and the same is hereby amended, by amending the Zoning Map of the City of Farmers Branch so as to grant a Specific Use Permit to allow a ballroom dance facility located at 13465 Inwood Road and within Planned Development No. 39 (PD-39) zoning district (hereinafter the "Property"), as described in Exhibit "A" and depicted in Exhibit "B," subject to the terms and conditions contained herein.

SECTION 3. That the Property shall conform in operation, location and construction to the development standards specified within the Planned Development No. 39 (PD-39) zoning district and in accordance with the approved site plan attached as Exhibit "C," the approved plan of operation attached as Exhibit "D," and the letter issued by the property owner on April 3, 2003 attached as Exhibit "E."

SECTION 4. That the Property shall conform in operation, location and construction in accordance with the following conditions:

1. The ballroom facility operations shall be conducted in accordance with the plan of operation, and restricting the use of the remaining building area to ensure parking compliance shall be accordance with the letter issued by the property owner on April 3, 2003.
2. A landscape plan specifying plant varieties, size and spacing shall be submitted by the applicant, subject to review and approval by City staff prior to issuance of a building permit.
3. The off-site parking agreement shall be subject to review and approval by City staff to ensure compliance with the Comprehensive Zoning Ordinance parking requirements, prior to issuance of an occupancy permit. Three business days prior to any competitions or other special events occurring during a time other than Friday, Saturday and Sunday from 6:00 p.m. to 2:00 a.m., the applicant shall submit evidence to staff that sufficient parking has been secured for the event in accordance with zoning requirements.

SECTION 5. If any section, paragraph, subdivision, clause, phrase or provision of this ordinance shall be judged invalid or unconstitutional, the same shall not affect the validity of this ordinance as a whole or any portion thereof other than that portion so decided to be invalid or unconstitutional.

SECTION 6. That any person, firm or corporation violating any of the provisions or terms of this ordinance shall be subject to the same penalty as provided for in the Comprehensive Zoning Ordinance of the City of Farmers Branch and upon conviction shall be punished by a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense.

SECTION 7. In addition to and accumulative of all other penalties, the City shall have the right to seek injunctive relief for any and all violations of this ordinance.

SECTION 8. This ordinance shall take effect immediately from and after its passage as the law in such case provides.

DULY PASSED BY THE CITY COUNCIL OF THE CITY OF FARMERS BRANCH, TEXAS,
on this the 19th day of May, 2003.

APPROVED:



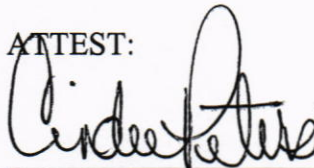
Mayor

APPROVED AS TO FORM:



City Attorney

ATTEST:



City Secretary

EXHIBIT "A"

Legal Description

Block 1, Lot A of the Metropolitan Industrial Park (Section No. 1), Farmers Branch, Texas

EXHIBIT "B"

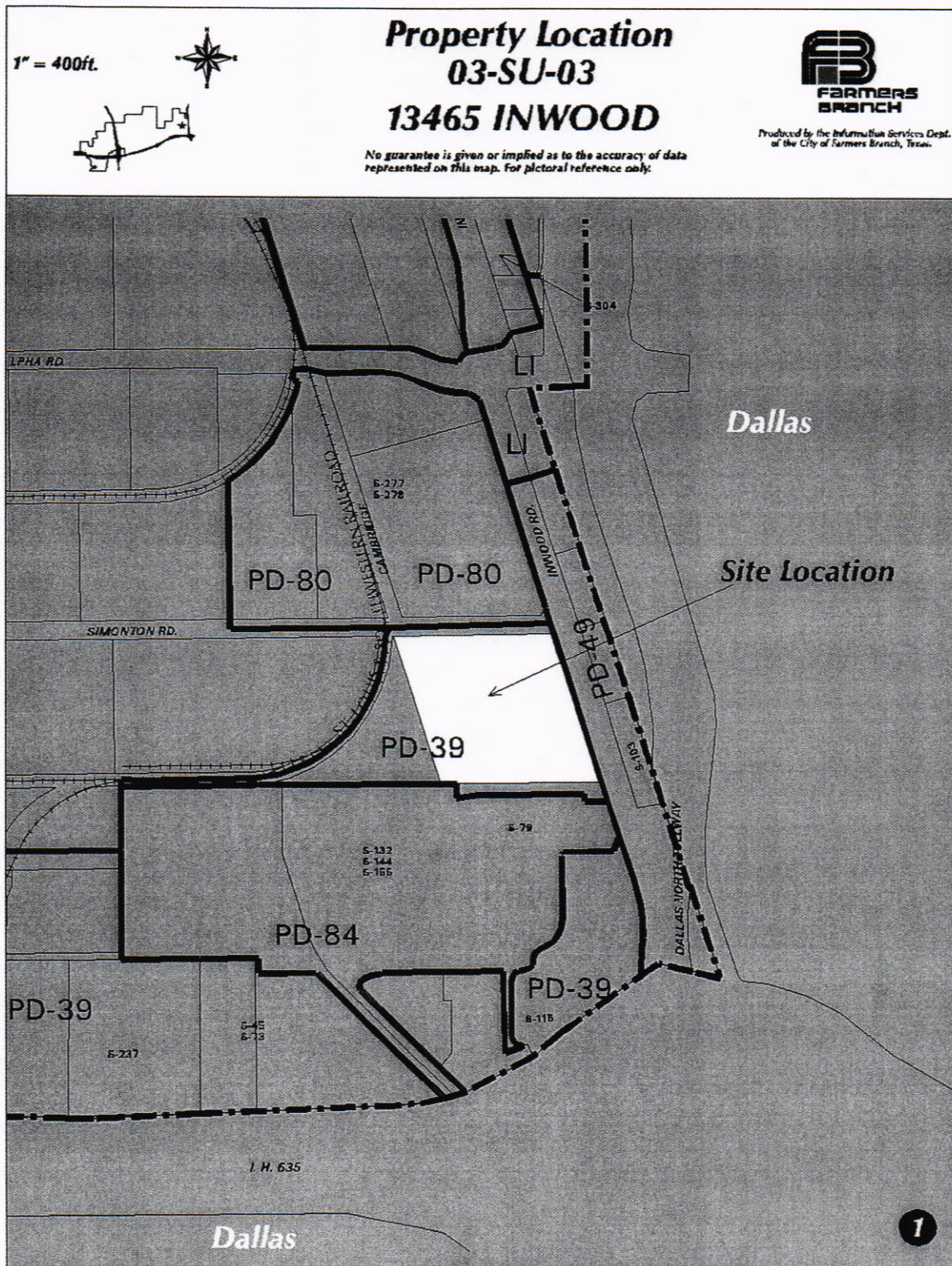
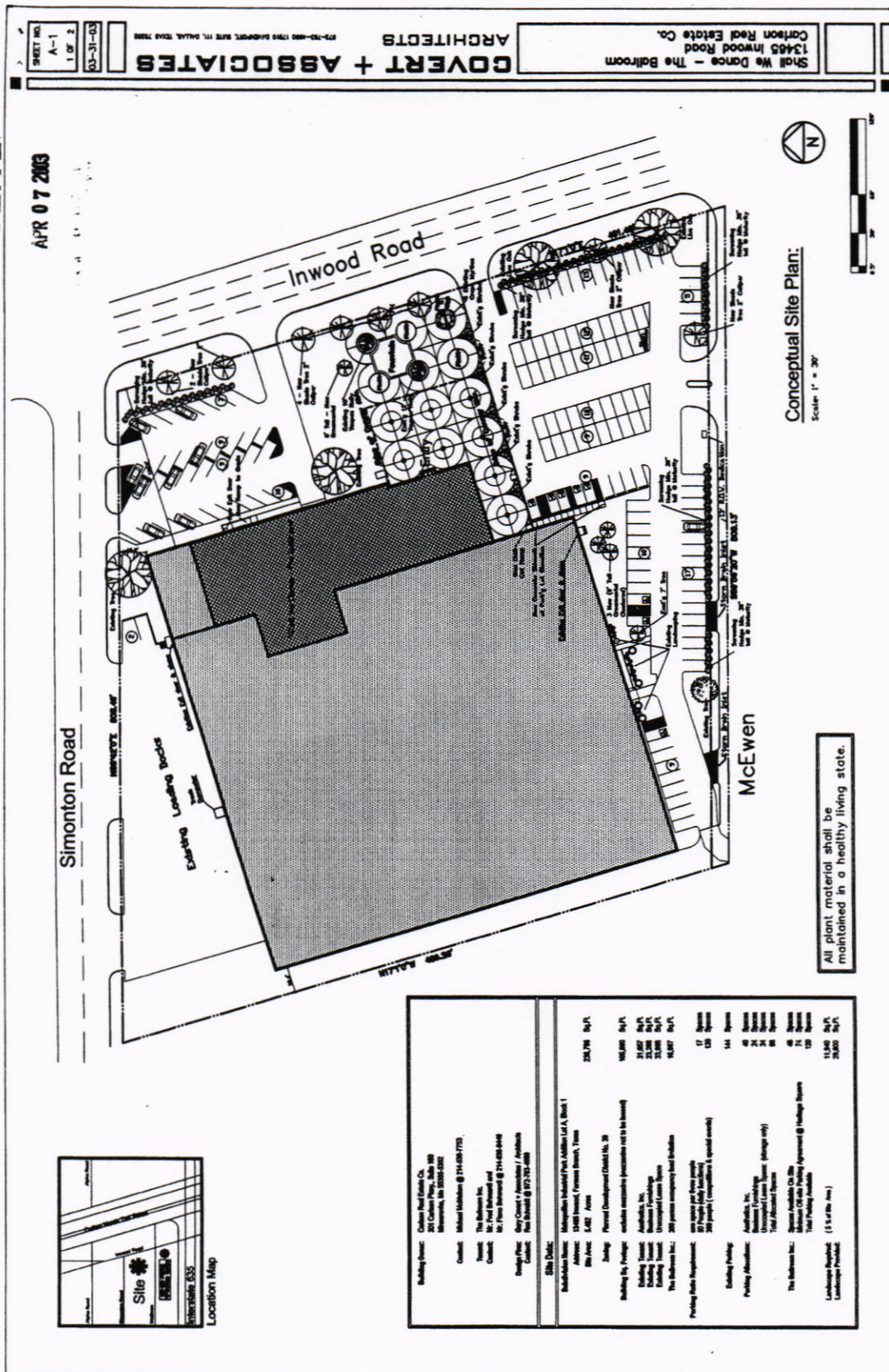


EXHIBIT "C"



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EXHIBIT "D"

March 31, 2003

Plan of Operation for "Shall We Dance - The Ballroom"

From: Fred and Fiano Behmardi

The purpose of this plan of operation is to explain about the affairs in our facility - "Shall We Dance - The Ballroom".

A. "Shall We Dance - The Ballroom" is a business that teaches ballroom dance. Our students are a diverse group ranging in age from 35 - 85+.

B. As part of the dance instruction, our students are encouraged to participate in dance shows and competitions.

C. Coaches are brought in on a regular basis to work with our students and staff. Many people come to "Shall We Dance - The Ballroom" for coaching sessions with Fred and Fiano Behmardi.

D. We, at "Shall We Dance - The Ballroom", plan to host competitions. These include major competitions (like the ones that are televised) as well as mini-competitions and dance camps. The camps may be in conjunction with a competition or it may stand alone. The major competitions will attract people from all across the United States as well as, possibly, people from abroad. In conjunction with the competitions, we will have a banquet dinner that evening. The dinner will be catered. Alcoholic beverages may also be served at dinner. Alcohol shall only be provided in conjunction with catered events. Professional world champions will be brought in to perform. A big band will play for the dinner/dance. This event will be by invitation only. For all large functions, valet parking will be available as well as self-parking.

The catered functions occur sporadically. For example, one month we may have two functions. The next month we may have none. Then, the following month we may have three functions and then not have any functions the following two months.

An example would be the year of 2002 where we had approximately 21 catered functions through out the year.

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EXHIBIT "D" (continued)

March 31, 2003

E.. Facility shall not be subleased to anyone.

F. Anticipated average attendance of daily functions is no more than 50 people.

Competitions and other special events shall not exceed a maximum capacity of 360 people.

G. Daily functions typically occur from around 1pm - 10pm on Monday through Friday.

Competitions and other special events typically occur after 6pm.

H. We will abide by Fire Department and building code regulations.

I. Parking shall be provided both on - site and off - site, subject to approval of the off - site parking agreements by the City of Farmers Branch.

Approximately 45 parking spaces are allocated for our use on - site to accommodate our daily functions.

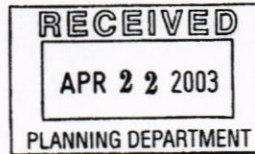
(i.e. 50 persons x 1 space/3 persons = 17 parking spaces required.)

A parking agreement for the off - site parking shall be secured for competitions and other special events in accordance with the Comprehensive Zoning Ordinance, subject to review and approval by the City of Farmers Branch. Parking shall be secured to accommodate a maximum occupancy of 360 people.

EXHIBIT "D" (continued)



Shall We Dance @
The Ballroom



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APP

**BUILDING INSPECTION
DEPARTMENT**

April 22, 2003

Plan of Operation for "Shall We Dance - The Ballroom"

From: Fred and Fiano Behmardi

Re: Zoning Case No. 03-SU-03

In response to the letter from the leasing agent for Occidental Tower, Occidental Tower Corporation, the following measures will be taken to prevent any "misguided" guests from any potential UNAUTHORIZED use of their parking lots, both north and south of Occidental Tower.

1. A map of authorized parking places and instructions will be posted on the premises of "Shall We Dance - The Ballroom".
2. A security guard will be on the premises to help redirect any "misguided" guests to "Shall We Dance - The Ballroom's" authorized parking facilities.

We hope this has helped ease the concerns of Occidental Tower Company.

Thank You,

Fred and Fiano Behmardi

Shall We Dance @ The Ballroom

EXHIBIT "E"

CARLSON REAL ESTATE COMPANY

April 3, 2003

City of Farmers Branch
Attn: Tina Firgens

**Re: Comments regarding Special Use Permit Application at 13465 Inwood Road,
Farmers Branch, Texas**

Dear Tina:

Per your request on April 2, 2003 please be advised at the above referenced location for
the term of the lease for Shall We Dance, Inc:

1. Carlson Real Estate does not intend and will not lease the mezzanine area
above the dock doors
2. Carlson does intend to lease the dead storage space that is currently vacant.
As a result, Carlson will not grant the parking spaces that code requires to
lease these spaces as dead storage to Shall We Dance, Inc.
3. Carlson also agrees that the space leased to Aesthetics Inc. and Business
Furnishings will not be leased as a use that would require more parking than
the current use.

If you have any questions or concerns please feel free to give me a call.

Sincerely,

CARLSON REAL ESTATE COMPANY

Kristin Hall
Real Estate Associate
(952) 404-5033

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COMMUNITY SERVICES
DEPARTMENT

301 Carlson Parkway, Suite 100, Minnetonka, Minnesota 55305 952-404-5000 Fax 952-404-5001 www.carlsonrealestate.org

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